IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.230 OF 2004

Ashok Mukund Bhide .. Petitioner.
Vs.
State of Maharashtra & Ors. .. Respondents.

Mr.T.D.Deshmukh for the applicant.
Mr.V.B.Konde-Deshmukh APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 19TH AUGUST, 2004

P.C.:

. Heard Mr.Deshmukh, learned counsel for the petitioner and Mr.Konde-Deshmukh, learned A.P.P. for the respondent.

2. This revision application is directed against the judgment and order of acquittal passed by the Additional Sessions Judge, Satara dated 25.5.2004. By this order, the judgment and order dated 16.5.2002, rendered by the learned Magistrate, convicting and awarding the sentence has been set aside. The respondent-accused were convicted under section 379 read with 34 of Indian Penal Code and sentenced only to pay fine of Rs.3,000/- each. Mr.Deshmukh, learned counsel for

the petitioner submits that the appellate court while allowing the appeal committed grave error by directing to hand over all the articles seized and shown as muddemal in the case to respondent-accused. It was not disputed that all those articles were belonging to Balchandra Bhide. Respondent no.2 - Nilkanth Bhide is admittedly the son of deceased - Balchandra Bhide. In view of this I did not find any illegality in the said direction given by the Additional Sessions Judge. Moreover, the petitioner did not challenge the order passed by the trial court for enhancement of the sentence. If the petitioner has any right over those articles, it is open for him, to adopt appropriate proceedings which could be dealt with in accordance with law. Keeping that in view and considering the overall facts and circumstances of the case I did not find any infirmity or manifest illegality in the impugned order. In view of this revision fails and is dismissed as such.

(D.B.Bhosale, J.)